

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

**PATRICK PERKINS,**

**Plaintiff,**

v.

**No.: 3:16-cv-00220  
Crenshaw/Brown**

**SPECTRACORP OF TENNESSEE, d/b/a  
FANN MECHANICAL CO., and  
RANDALL FANN,**

**JURY DEMAND**

**Defendants.**

**DEFENDANTS' ADDITIONAL PROPOSED JURY INSTRUCTIONS**

Come now Defendants, by and through counsel, and submit the following as Defendants' Proposed Jury Instructions:

**PROPOSED JURY INSTRUCTION 25**  
**EVIDENCE ADMITTED AGAINST ONLY ONE PARTY**

Each party is entitled to have the case decided solely on the evidence that applies to that party. Some of the evidence in this case is limited under the rules of evidence to one of the parties, and cannot be considered against the others.<sup>1</sup>

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<sup>1</sup> 8<sup>TH</sup> Circuit Pattern Jury Instructions § 2.08 Modified

**PROPOSED JURY INSTRUCTION 26**  
**IMPEACHMENT OF WITNESS BY PRIOR CONVICTION**

You have heard evidence that Plaintiff has been convicted of crimes. You may use that evidence only to help you decide whether to believe the witness and how much weight to give his testimony.<sup>2</sup>

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<sup>2</sup> 8<sup>th</sup> Circuit Pattern Jury Instructions § 2.10 Modified

**PROPOSED JURY INSTRUCTION 27**  
**BUSINESS JUDGMENT**

You may not return a verdict for the plaintiff just because you might disagree with the defendant's conduct or believe it to be harsh or unreasonable.<sup>3</sup>

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<sup>3</sup> 8<sup>th</sup> Circuit Pattern Jury Instructions § 5.02 Modified

**PROPOSED JURY INSTRUCTION 28**  
**EMPLOYER UNDER THE TENNESSEE HUMAN RIGHTS ACT**

An Employer means persons employing eight (8) or more persons within the state.<sup>4</sup>

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<sup>4</sup> T.C.A. § 4-21-102(5)

Respectfully submitted,

/s/ Johnathon C. Hershman

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been sent to the following via the District Court's electronic filing system:

Kerry E. Knox  
117 South Academy Street  
Murfreesboro, Tennessee 37130

Stephen W. Grace  
1019 16<sup>th</sup> Avenue, South  
Nashville, Tennessee 37212

On this 8<sup>th</sup> day of September, 2017.

/s/Johnathon C. Hershman  
JOHNATHON C. HERSHMAN